

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO. 536060710PL02337

STATE OF INDIANA,

Plaintiff,

v.

JACK LAGONI,
Individually and doing business as
UNIVERSITY TRAVEL

Defendant,

and

MARK CREECH,

Garnishee-Defendant

FILED

OCT 15 2007

Jim Wheeler
CLERK MONROE CIRCUIT COURT

**COMPLAINT TO SET ASIDE A FRAUDULENT
CONVEYANCE AND OTHER EQUITABLE RELIEF**

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, petitions the Court pursuant to the Indiana Uniform Fraudulent Transfer Act, Ind. Code § 32-18-2-1, *et seq.*, to set aside a fraudulent conveyance, and order equitable and all other just and proper relief.

PARTIES

1. The Plaintiff, State of Indiana, is a Judgment Creditor of the Defendant, Jack Lagoni, based upon a prior Judgment obtained through an action brought under Ind. Code § 24-5-0.5-4(c).

2. The Defendant, Jack Lagoni, is a Judgment Debtor of the State of Indiana and currently owes the State One Hundred Fifty-Seven Thousand Four Hundred Sixty-

Three Dollars and Ninety-Two Cents (\$157,463.92) pursuant to an unsatisfied Judgment entered by the Monroe Circuit Court.

3. The Garnishee-Defendant, Mark Creech, is an associate of the Defendant, Jack Lagoni, and resides at 8505 Harp Pike, Frankfort, Kentucky, 40601.

FACTS

A. Background of the Prior Judgment Against the Defendant, Richard Klein.

4. On April 24, 2006, the Monroe Circuit Court entered a Default Judgment against the Defendant, Jack Lagoni, in the amount of One Hundred Fifty-Seven Thousand Four Hundred Sixty-Three Dollars and Ninety-Two Cents (\$157,463.92). Attached and incorporated by reference as Exhibit "A" is a true and accurate copy of the Judgment entered against the Defendant, Jack Lagoni.

5. As of today, the monetary portion of the Judgment remains unsatisfied and owed to the Plaintiff.

B. Allegations Related to the Fraudulent Transfer of Assets to the Garnishee Defendant, Mark Creech.

6. The Defendant, Jack Lagoni, was arrested on August 3, 2007 at Big Bone Landing in Union, Kentucky.

7. At the time of his arrest, the Defendant, Jack Lagoni, owned a 1949 Kelly Craft Houseboat, KY Registration KY 0501 GD.

8. On or about August 18, 2007, the Defendant, Jack Lagoni, wrote a letter to the Office of the Attorney General discussing his assets. Attached and incorporated by reference as Exhibit "B" is a true and accurate copy of the letter received by the Office of the Attorney General.

9. In his letter, the Defendant, Jack Lagoni, writes, "I knew about the civil law suit but I had no idea about the felony until I was arrested on August 3, 2007."

10. The Defendant, Jack Lagoni, also wrote, "I made a deal with my friend [Mark Creech] to buy [the boat] cheaply."

11. The Defendant, Jack Lagoni, continues and states, "I sold it to him for \$6,000.00 to be paid within 90 days. I realize it was quick, but at the time I thought the marina was trying to seize it for free and I thought I might get bail money, attorney retainer money, and/or some money to get settled once out of jail."

12. The Defendant, Jack Lagoni, concludes his letter by stating, "Realize I am destitute . . . I have no money, my parents are 79 and it is not clear whether they help me as of this date."

13. Upon information and belief, the Defendant completed the transfer of the boat to his associate, Mark Creech, at the Monroe County Jail.

14. Upon information and belief, the Defendant, Jack Lagoni, did not receive consideration of a reasonably equivalent value in exchange for the boat he sold to the Defendant, Mark Creech.

15. Upon information and belief, the Defendant, Jack Lagoni, became insolvent as a result of the transfer of the boat to his associate, Mark Creech.

LIABILITY FOR FRAUDULENT TRANSFER OF ASSETS

16. The Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 15 above.

17. Pursuant to Ind. Code § 32-18-2-14(1), the transfer of the boat described in paragraph 13 is a fraudulent transfer of assets as to present and future creditors made by the Defendant, Jack Lagoni, with the intent to hinder, delay, or defraud the Defendant, Jack Lagoni's, creditors.

18. Pursuant to Ind. Code § 32-18-2-14(2), the transfer of the boat described in paragraph 13 is a fraudulent transfer of assets as to present and future creditors, as the Defendant, Jack Lagoni, did not receive a reasonably equivalent value from the Garnishee-Defendant, Mark Creech, in exchange for the transfer, and the Defendant, Jack Lagoni, reasonably should have believed he would incur debts beyond his ability to pay as the debts became due.

19. Pursuant to Ind. Code § 32-18-2-15, the transfer of the boat described in paragraph 13 is a fraudulent transfer of assets as to the State of Indiana, a present creditor, as the Defendant, Jack Lagoni, did not receive a reasonably equivalent value from the Garnishee-Defendant, Mark Creech, in exchange for the transfer, and the Defendant, Jack Lagoni, was insolvent at the time of the transfer, or became insolvent as a result of the transfer.

RELIEF

WHEREFORE, the Plaintiff, State of Indiana, requests the Court enter judgment against the Defendant, Jack Lagoni, and the Garnishee-Defendant, Mark Creech, and order the following relief:

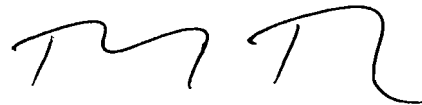
- a. Avoidance of the transfer of assets from the Defendant, Jack Lagoni, to the Garnishee-Defendant, Mark Creech, to the extent necessary to satisfy the Plaintiff's claims, pursuant to Ind. Code § 32-18-2-17(a)(1);

- b. An attachment against the assets transferred, the proceeds therefrom, or other property of the transferee, Mark Creech, in accordance with the procedure prescribed by Ind. Code § 34-25-2-1, or any other applicable statute providing for attachment or other provisional remedy against debtors generally;
- c. An injunction preventing further disposition by the Defendant, Jack Lagoni, or the Garnishee-Defendant, Mark Creech, of the assets transferred, proceeds derived from the transfer thereof, or of other property held, pursuant to Ind. Code § 32-18-2-17(a)(3)(A);
- d. Levy of execution on the assets transferred by the Defendant, Jack Lagoni, to the Garnishee-Defendant, Mark Creech, or the proceeds therefrom, pursuant to Ind. Code 32-18-2-17(b); and
- e. All other just and proper relief.

Respectfully Submitted,

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By:



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